

1 MICHAEL E. DERGOSITS (State Bar No. 118206)  
2 TEDDY K. JOE (State Bar No. 242589)  
3 DERGOSITS & NOAH, L.L.P.  
4 Four Embarcadero Center, Suite 1450  
5 San Francisco, CA 94111  
6 Telephone: (415) 705-6377  
7 Facsimile: (415) 750-6383  
8 Email: mdergosits@dergnoah.com  
9 Email: tjoe@dergnoah.com

10 Edward W. Goldstein (*pro hac app. expected*)  
11 Corby R. Vowell (*pro hac app. expected*)  
12 GOLDSTEIN, FAUCETT & PREBEG, LLP  
13 1177 West Loop South, Suite 400  
14 Houston, TX 77027  
15 Telephone: (713) 877-1515  
16 Facsimile: (713) 877-1737  
17 Email: egoldstein@gfpiplaw.com  
18 Email: cvowell@gfpiplaw.com

19 Attorneys for Plaintiff and Counterdefendant  
20 Textscape LLC

21 TOWNSEND AND TOWNSEND  
22 AND CREW LLP  
23 Theodore T. Herhold (SBN 122895)  
24 Andrew T. Oliver (SBN 226098)  
25 Eric M. Hutchins (SBN 245462)  
26 379 Lytton Avenue  
27 Palo Alto, CA 94301  
28 Telephone: (650) 326-2400  
Facsimile: (650) 326-2422  
Email: ttherhold@townsend.com  
atoliver@townsend.com  
emhutchins@townsend.com

29 Gary S. Morris (admitted *pro hac vice*)  
30 TOWNSEND AND TOWNSEND  
31 AND CREW LLP  
32 1301 K Street, N.W.,  
33 Ninth Floor, East Tower  
34 Washington, D.C. 20005  
35 Telephone: (202) 481-9900  
36 Facsimile: (202) 481-3972  
37 Email: gsmorris@townsend.com

38 Attorneys for Defendant and  
39 Counterclaimant ADOBE SYSTEMS  
40 INCORPORATED

41 **IN THE UNITED STATES DISTRICT COURT**  
42 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

43 TEXTSCAPE LLC, a New Jersey Corporation,

44 Case No. 3:09-cv-04550 BZ

45 Plaintiff,

46 **JOINT STIPULATION REGARDING**  
**SUMMARY JUDGMENT**  
**SCHEDULE AND [PROPOSED]**  
**ORDER**

47 v.  
48 ADOBE SYSTEMS INCORPORATED, a  
49 Delaware Corporation,

50 Defendant.

51 ADOBE SYSTEMS INCORPORATED, a  
52 Delaware Corporation,

53 Counterclaimant,

54 v.  
55 TEXTSCAPE LLC, a New Jersey Corporation,

56 Counterdefendant.

1 WHEREAS, plaintiff Textscape LLC ("Textscape") brought this suit alleging that  
2 defendant Adobe Systems Incorporated ("Adobe") infringes U.S. Pat. No. 5,930,809 (the  
3 "'809 patent");

4 WHEREAS, the parties agree that an issue regarding the validity of the asserted  
5 claims of the '809 patent may be appropriately addressed by an early motion for  
6 summary judgment to be filed by Adobe (Docket #24, p. 2:11-13);

7 WHEREAS, the parties agreed to conduct expedited discovery on issues related to  
8 the motion for summary judgment (*Id.* at p. 2:14-15);

9 WHEREAS, the Court agreed to hear the early motion for summary judgment  
10 before claim construction and set a briefing and hearing schedule for the motion (Docket  
11 #30):

Summary Judgment Moving Papers Due:	Wednesday, 4/14/2010
Summary Judgment Opposition Due:	Wednesday, 5/5/2010
Summary Judgment Reply Due:	Wednesday, 5/12/2010
Summary Judgment Hearing:	Wednesday, 6/2/2010 10:00 a.m.

14 WHEREAS, as part of its expedited discovery pertaining to its motion for  
15 summary judgment of invalidity, Adobe noticed a Fed. R. Civ. P. 30(b)(6) deposition of  
16 Textscape for March 25, 2010 that is limited to topics related to the early motion for  
17 summary judgment;

18 WHEREAS, due to scheduling issues of the deponent and counsel, the parties  
19 agreed to move the deposition to April 7, 2010 in Palo Alto, California, provided that: a)  
20 the Court agrees to a short extension of time in which to file Adobe's summary judgment  
21 motion to allow adequate time to finalize preparation of the motion after completion of  
22 the deposition, and b) the 30(b)(6) corporate deponent will be made available for a future  
23 deposition in his individual capacity at a date and location to be agreed upon by the  
24 parties; and

25 WHEREAS, all other dates on the schedule will remain the same;

26 NOW THEREFOR, the parties stipulate, subject to Court approval, that the  
27 summary judgment schedule shall be modified as follows:

28 Summary Judgment Moving Papers Due: Friday, 4/16/2010

1 All other deadlines shall remain unchanged:

2 Summary Judgment Opposition Due: Wednesday, 5/5/2010  
3 Summary Judgment Reply Due: Wednesday, 5/12/2010  
Summary Judgment Hearing: Wednesday, 6/2/2010 10:00 a.m.

4 Dated: March 23, 2010

Respectfully submitted,

5  
6 By: /s/ Edward W. Goldstein  
Michael E. Dergosits  
7 Teddy K. Joe  
DERGOSITS & NOAH, L.L.P.

By: /s/ Andrew T. Oliver  
Theodore T. Herhold  
Andrew T. Oliver  
Eric M. Hutchins

8 Edward W. Goldstein (*pro hac app.*  
*expected*)  
9 Corby R. Vowell (*pro hac app.*  
*expected*)  
10 GOLDSTEIN, FAUCETT & PREBEG,  
11 L.L.P.

Gary S. Morris (admitted *pro hac*  
*vice*)  
TOWNSEND AND TOWNSEND  
AND CREW LLP

12 ATTORNEYS FOR PLAINTIFF AND  
13 COUNTERDEFENDANT  
14 TEXTSCAPE LLC

Attorneys for Defendant and  
Counterclaimant ADOBE SYSTEMS  
INCORPORATED

15 [PROPOSED] ORDER

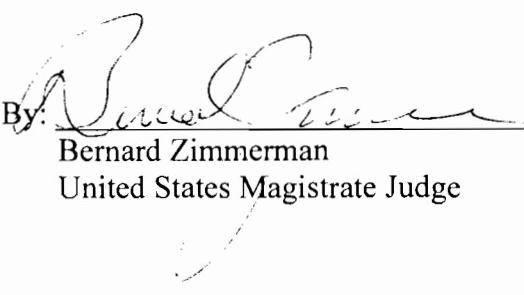
16 Pursuant to stipulation of the parties, the Court amends the schedule set forth in  
17 its order of March 2, 2010 (Docket #30) as follows:

18 Summary Judgment Moving Papers Due: Friday, 4/16/2010

19 All other deadlines shall remain unchanged.

20 SO ORDERED.

21 Dated: March 23, 2010

22 By:   
Bernard Zimmerman  
United States Magistrate Judge

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